Filed: 7/28/2020 8:38 AM
Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy
Envelope ID: 44872190

NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.A.L., J.L.L., AND L.A.L.	§	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	§	**COLLIN COUNTY, TEXAS**

PETITION TO MODIFY PARENT-CHILD RELATIONSHIP

1. Discovery Level

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. Parties and Order to Be Modified

This suit to modify a prior order is brought by Michael Long, Petitioner. The last three numbers of Michael Long's driver's license number are 675. The last there numbers of Michael Long's Social Security number are 145. Petitioner is the father of the children and has standing to bring this suit. The requested modification will be in the best interest of the children.

Respondent is Kelly Long.

The order to be modified is entitled Order in Suit Affecting Parent-Child Relationship and was rendered on July 7, 2020.

3. Jurisdiction

This Court has continuing, exclusive jurisdiction of this suit.

4. Children

The following children are the subject of this suit:

Name: Sophie Alese Long

Sex: Female

Birth date: 09/16/2010

County of residence: Collin

Name: Jack Levi Long

Sex: Male

Birth date: 11/11/2012

County of residence: Collin

Name: Lucas Aries Long

Sex: Male

Birth date: 12/19/2013

County of residence: Collin

5. *Parties Affected*

The following parties may be affected by this suit:

Name: Kelly Long

Relationship: mother

Process should be served at 10412 Max Lane, Frisco, Texas 75035

6. *Insurance Information*

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided.

7. *Children's Property*

There has been no change of consequence in the status of the children's property since the prior order was rendered.

8. *Protective Order Statement*

No protective order under title 4 of the Texas Family Code, protective order under

Chapter 7A of the Texas Code of Criminal Procedure, or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit and no application for any such order is pending.

9. *Modification of Conservatorship, Possession and Access*

The order to be modified is based on a mediated settlement agreement. The circumstances of the children, a conservator, or other party affected by the order to be modified have materially and substantially changed since the date of the signing of the mediated settlement agreement on which the order to be modified is based.

The order to be modified is based on a mediated settlement agreement. This suit to modify the designation of the person having the exclusive right to designate the primary residence of the children is filed within one year after the date of the signing of the mediated settlement agreement on which the order to be modified is based. See the affidavit of Kourtney Chalmers attached as Exhibit A.

Petitioner requests that he be appointed as the person who has the right to designate the primary residence of the children.

Preceding the filing of this suit, Respondent has engaged in a history or pattern of child neglect.

Petitioner requests that the Court consider this conduct in appointing the Petitioner as sole managing conservator or the parties as joint managing conservators.

Petitioner requests that the terms and conditions for access to or possession of the children be modified to provide as follows: Respondent should be denied access to the children until further order of the court. Any access or possession should be supervised and/or provide for the safety of the children.

There is a history or pattern of child neglect committed by Respondent, by Jacob Bellington, who resides in Respondent's household, and "Uncle Dan," Daniel Wayne Apperson, who is permitted by respondent to have unsupervised access to the children during Respondent's periods of possession or access to the children. Petitioner requests the Court to deny Respondent access to the children. Alternatively, Petitioner requests that the Court render a possession order that provides that Respondent's periods of visitation be continuously supervised by an entity or person chosen by the Court.

The requested modification is in the best interest of the children.

10. Support

The order to be modified is based on a mediated settlement agreement. The circumstances of the children or a person affected by the order have materially and substantially changed since the date of the signing of the mediated settlement agreement on which the order to be modified is based, and the support payments previously ordered should be modified based on the possession of the children by Petitioner. The requested modification is in the best interest of the children.

11. Request for Temporary Orders

Petitioner requests the Court, after notice and hearing, to make temporary orders for the safety and welfare of the children, including but not limited to the following:

Appointing Petitioner as Temporary Sole Managing Conservator or in the alternative, appointing Petitioner and Respondent temporary joint managing conservators and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the children.

Ordering Respondent to provide support for the children, including the payment of child

support and medical and dental support in the manner specified by the Court, while this case is pending.

Ordering reasonable periods of electronic communication between the children and Petitioner to supplement Petitioner's periods of possession of the children.

Awarding Petitioner the exclusive right to enroll the children in school.

Denying Respondent access to the children or, alternatively, rendering a possession order providing that Respondent's periods of visitation be continuously supervised.

Ordering Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.

Ordering Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit Petitioner to obtain health-care information regarding the children.

Ordering Respondent to execute for all health-care providers of the children an authorization for disclosure of protected health information to Petitioner pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

Ordering Respondent to designate Petitioner as a person to whom protected health information regarding the children may be disclosed whenever Respondent executes an authorization for disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

With regard to the requested temporary order for managing conservatorship, Petitioner would show the Court the following:

These temporary orders are necessary because the children's present circumstances would significantly impair the children's physical health or emotional development, and the requested

temporary order is in the best interest of the children. See the affidavit of Kourtney Chalmers attached as Exhibit A.

12. Request for Temporary Restraining Order

Petitioner requests the Court to dispense with the necessity of a bond, and Petitioner requests that Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

Disturbing the peace of the children or of another party.

Withdrawing the children from enrollment in the school or day-care facility where the children are presently enrolled.

Hiding or secreting the children from Petitioner.

Making disparaging remarks regarding Petitioner or Petitioner's family in the presence or within the hearing of the children.

Discussing any litigation concerning the children in the presence or within the hearing of the children.

Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any health or dental insurance policy insuring the children.

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct stated in the affidavit of Kourtney Chalmers attached as Exhibit A. Based on that affidavit, Petitioner requests the Court to grant the following relief:

Issue an order excluding Respondent from possession of or access to the children, Sophie Alese Long, Jack Levi Long, and Lucas Aries Long.

13. Request for Attorney's Fees, Expenses, Costs, and Interest

It was necessary for Petitioner to secure the services of Elizabeth Nielsen, a licensed attorney, to preserve and protect the children's rights. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Respondent and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

14. Prayer

Petitioner prays that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this petition.

Petitioner prays that the Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief.

Respectfully submitted,

Bailey & Galyen
2216 S. Cooper St.
Arlington, Texas 76013
Tel: (817) 635-7013
Fax: (817) 276-6013

By:_____
Elizabeth Nielsen
State Bar No. 24034601
enielsen@galyen.com
Attorney for Petitioner

CAUSE NO. 417-53803-2020

IN THE INTEREST OF	§	**IN THE DISTRICT COURT**
	§	
S.L., J.L. AND L.L.,	§	**_____ JUDICIAL DISTRICT**
	§	
CHILDREN	§	**COLLIN COUNTY, TEXAS**

AFFIDAVIT OF KOURTNEY CHALMERS

Kourtney Chalmers personally appeared before me and stated under oath:

"My name is Kourtney Chalmers. I am over the age of 18. I am competent to testify and therefore make this Affidavit. This Affidavit is based on my personal knowledge, and the facts are true and correct.

I am the Step-Mother of the children in the above named suit.

The children are currently in the possession of my husband Michael Long who is the father of the children that are the subject of this suit. We have had possession for the summer visitation since June 15, 2020. They are due to be returned to their mother today, July 27, 2020 at 6pm. At this time it is necessary to prevent the return of the children to protect their safety and welfare as outlined below.

Sophie Long, age 9, is one of the children subject of this suit. When the children began their visit with us in June, Sophie behaved as though she was uncomfortable and told me that she needed to talk to me about "girl stuff". She described feeling like she has "needles in her ViVi" and that when she was at mommy's it felt like a "pole was up her Vivi". I know her to use the term "vivi" to describe her vagina. She disclosed to me that she let her mother know about the discomfort and that her mother told her "if we take you to the doctor they will look at your vivi". This was concerning to me, and after discussion with Michael we determined I would take Sophie to the doctor. I took her to an urgent care center and she was diagnosed with a urinary tract infection and prescribed antibiotics. At that time, they did not look at her vaginal area, but

took a urine sample and indicated there was bacteria. Michael let the mother (Kelly Long) know and questioned why she had not already taken Sophie to the doctor.

Approximately 5 days later Sophie was still very uncomfortable and having a hard time sitting. I took her to Little Spurs Urgent care in New Braunfels and they determined that she might have a yeast infection from the antibiotics, and they prescribed some cream.

The weekend of July 10th Sophie and her siblings returned to their mother, Kelly Long, for a 2-day visit. We sent the cream with her and Kelly knew about the yeast infection diagnosis. When the visit was over the children came home and it was quickly apparent that Sophie was again very uncomfortable sitting and seemed to be in pain again. I took her back to Little Spurs where they prescribed a stronger cream. They also seemed concerned that Sophie described being told at her mother's to "be tough and hold it or piss your pants" by her mother and her mother's boyfriend Jacob Bellington.

We have had concerns for several months about the domestic violence between Jacob and Kelly. There are numerous 911 calls and a CPS investigation that was initiated regarding the domestic violence. There have also been concerns about the people Kelly is allowing around the children and incidents the children describe happening at "nana's house" (not Kelly's mother) and an "Uncle Dan" who we have later determined is a man named Daniel Wayne Apperson.

This past weekend Sophie told me that her "bug bites" on her butt were bleeding, and she indicated they were not just on her butt, but were in fact "between" in her vivi. I called Little Spurs and they said the police needed to be called and that they did not do those types of exams. I eventually was able to find a hospital in Austin that could take us and examine Sophie. We went to Dell Hospital in Austin and Sophie was examined. At that visit the police were called and a CPS referral was made. She was diagnosed with "Sexual Assault by bodily force" and we were told we could not return her to Kelly.

After getting home from the hospital Sophie has become more descriptive to me about the abuse. The most alarming thing she has told me is that "uncle Dan" has a "big penis that looks weird" and that "he made me sit on it."

These things are all happening in the home of Kelly Long, or at her boyfriend's family's home. Additionally, Sophie has expressed repeated concerns of someone taking pictures of her "vivi" -- which to our understanding law enforcement is also concerned about. We have been told to expect a forensic interview be requested and we are eager to have that done to assist in finding out what has happened to Sophie.

Perhaps scarier than anything else, Sophie has disclosed to me repeatedly since Saturday that she is afraid "they" will kill her because she told. I do not want her to be placed in a situation where there will be retribution against her. I want her to be safe.

Therefore, an order excluding Kelly Long from possession of or access to the children the subject of this suit is necessary to protect the safety and welfare of the children.

Courtney Chalmers

STATE OF TEXAS §

COUNTY OF Guadalupe §

SUBSCRIBED AND SWORN TO before me on 7-27-2020.

KIMBERLY GABRIEL
Notary Public, State of Texas
Comm. Expires 05-04-2023
Notary ID 130212946

Notary Public

199th Judicial District, Hon. Angela Tucker
219th Judicial District, Hon. Jennifer Edgeworth
296th Judicial District, Hon. John Roach, Jr.
366th Judicial District, Hon. Tom Nowak
380th Judicial District, Hon. Benjamin Smith
401st Judicial District, Hon. Mark Rusch

416th Judicial District, Hon. Andrea Thompson
417th Judicial District, Hon. Cynthia Wheless
429th Judicial District, Hon. Jill Willis
468th Judicial District, Hon. Lindsey Wynne
469th Judicial District, Hon. Piper McCraw
470th Judicial District, Hon. Emily A. Miskel
471st Judicial District, Hon. Andrea Bouressa

DISTRICT JUDGES
IN AND FOR
COLLIN COUNTY, TEXAS

STANDING ORDER ON CHILDREN, PROPERTY & CONDUCT OF PARTIES

On their own motion, the district judges issue this standing order, which shall apply to suits for dissolution of marriage and suits affecting the parent-child relationship, for the protection of the parties and their children, and for the preservation of their property.

1. SUITS FOR DISSOLUTION OF MARRIAGE

While a suit for dissolution of marriage is pending, it is ORDERED that each party is prohibited from:

1.1 Intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party;

1.2 Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party;

1.3 Placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;

1.4 Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or either party with intent to obstruct the authority of the court to order a division of the estate of the parties in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage;

1.5 Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;

1.6 Intentionally misrepresenting or refusing to disclose to the other party or to the court, on proper request, the existence, amount, or location of any tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

1.7 Intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

1.8 Intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party;

1.9 Unless specifically authorized by the Court:

1.9.1 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether the property is:

a) Personal property, real property, or intellectual property; or

b) Separate or community property;

1.9.2 Incurring any debt, other than legal expenses in connection with the suit for dissolution of marriage;

1.9.3 Withdrawing money from any checking or savings account in a financial institution for any purpose;

1.9.4 Spending any money in either party's possession or subject to either party's control for any purpose;

1.9.5 Withdrawing or borrowing money in any manner for any purpose from a retirement, profit sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party; or

1.9.6 Withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties;

1.10 Entering any safe deposit box in the name of or subject to the control of the parties or either party, whether indivldually or jointly with others;

1.11 Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties;

1.12 Cancelling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties;

1.13 Opening or diverting mail or e-mail or any other electronic communication addressed to the other party;

1.14 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party;

1.15 Taking any action to terminate or limit credit or charge credit cards in the name of the other party;

1.16 Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary;

1.17 Destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement;

1.18 Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;

1.19 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;

1.20 Deleting any data or content from any social network profile used or created by either party or a child of the parties;

1.21 Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;

1.22 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance at the residence of either party, or in any manner attempting to withdraw any deposit paid in connection with any of those services;

1.23 Excluding the other party from the use and enjoyment of a specifically identified residence of the other party; or

1.24 Entering, operating, or exercising control over a motor vehicle in the possession of the other party.

2. SPECIFIC AUTHORIZATIONS

This standing order does not:

2.1 Exclude a party from occupying the party's residence;

2.2 Prohibit a party from spending funds for reasonable and necessary living expenses;

2.3 Prohibit a party from engaging in acts reasonable and necessary to conduct that party's usual business and occupation;

3. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

While a suit affecting the parent-child relationship is pending, it is ORDERED that each party is prohibited from:

3.1 During the pendency of an original suit, removing a child from the State of Texas for the purpose of changing the child's residence, acting directly or in concert with others, without the written agreement of the parties or an order from the presiding judge;

3.2 During the pendency of an original suit, disrupting or withdrawing a child from the school or day-care facility where the child is presently enrolled, without the written agreement of the parties or an order from the presiding judge;

3.3 During the pendency of an original suit, changing a child's current place of abode,

without the written agreement of the parties or an order from the presiding judge;

3.4 Hiding or secreting a child from the other parent; or

3.5 Disturbing the peace of a child

4. MANDATORY EXCHANGE OF INFORMATION

Within 30 days of a parent's appearance in a suit affecting the parent-child relationship, and before any hearing on temporary orders, each parent shall produce the following:

4.1 Information sufficient to accurately identify that parent's net resources and ability to pay child support;

4.2 Copies of income tax returns for the past two years, a financial statement, and current pay stubs;

4.3 Regarding each child's health insurance: the name of the carrier, the policy number, a copy of the policy and schedule of benefits; a health insurance membership card, and proof of the cost of the child's portion of the premiums; and

4.4 Regarding each child's dental insurance: the name of the carrier, the policy number, a copy of the policy and schedule of benefits, a dental insurance membership card, and proof of the cost of the child's portion of the premiums.

5. SERVICE & APPLICATION OF THIS ORDER

Each party must attach a copy of this order to the party's live pleading. This order is effective upon the filing of an original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this court. This entire order will terminate and will no longer be effective when the court signs a final order or the case is dismissed.

6. EFFECT OF OTHER COURT ORDERS

If any part of this order conflicts with any part of a protective order, the protective order shall prevail. Any portion of this order not changed by a subsequent order remains in full force and effect until the court signs a final order.

7. MEDIATION

The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

SIGNED ON THE 3RD DAY OF OCTOBER, 2019.

HON. ANGELA TUCKER
199TH JUDICIAL DISTRICT COURT

HON. JENNIFER EDGEWORTH
219TH JUDICIAL DISTRICT COURT

HON. JOHN ROACH, JR.
296TH JUDICIAL DISTRICT COURT

HON. TOM NOWAK
366TH JUDICIAL DISTRICT COURT

HON. BENJAMIN SMITH
380TH JUDICIAL DISTRICT COURT

HON. MARK RUSCH
401ST JUDICIAL DISTRICT COURT

HON. ANDREA THOMPSON
416TH JUDICIAL DISTRICT COURT

HON. CYNTHIA WHELESS
417TH JUDICIAL DISTRICT COURT

HON. JILL WILLIS
429TH JUDICIAL DISTRICT COURT

HON. LINDSEY WYNNE
468TH JUDICIAL DISTRICT COURT

HON. PIPER MCCRAW
469TH JUDICIAL DISTRICT COURT

HON. EMILY A. MISKEL
470TH JUDICIAL DISTRICT COURT

HON. ANDREA BOURESSA
471ST JUDICIAL DISTRICT COURT

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Celia Morgan on behalf of Elizabeth Nielsen
Bar No. 24034601
cmorgan@galyen.com
Envelope ID: 44872190
Status as of 07/28/2020 08:48:10 AM -05:00

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Elizabeth A.Nielsen		enielsen@galyen.com	7/28/2020 8:38:52 AM	SENT
Celia Morgan		cmorgan@galyen.com	7/28/2020 8:38:52 AM	SENT

Associated Case Party: Michael Long

Name	BarNumber	Email	TimestampSubmitted	Status
Meredith Mallonee Chacon	24034980	info@ccatxlaw.com	7/28/2020 8:38:52 AM	SENT